

**REMARKS**

This is in response to the non-final Official Action currently outstanding with regard to the present application.

Claims 1-7 are pending in this application. By the foregoing Amendment, Claims 1 - 2 are amended. No claims are added, and no claims are canceled. Accordingly, upon the entry of the foregoing amendment, Claims 1-7 as hereinabove amended will constitute the claims under active prosecution in this application.

The claims of this application as they will stand upon the entry of this Amendment are set forth above with appropriate status identifiers as required by the Rules.

More particularly, in the currently outstanding Official Action the Examiner has:

1. Acknowledged Applicant's claim for foreign priority under 35 USC §119 (a)-(d) or (f), and has confirmed the receipt by the United States Patent and Trademark Office of the required copies of the priority documents;
2. Accepted the drawings as filed on 5 December 2001;
3. Acknowledged the Information Disclosure Statements filed in this application by providing Applicant with copies of the Forms PTO 1449 that accompanied those Statements duly signed, dated and initialed in confirmation of the consideration of the art identified therein;
3. Rejected claims 1 and 2 under 35 USC §102(e) as being anticipated by Nakano (US Patent No. 6,438,090);
4. Rejected claims 6-7 under 35 USC §103(a) as being unpatentable over Nakano (US Patent No. 6,438,090) in view of Maeda et al. (US Patent No. 6,414,931);

5. Objected to Claims 3-5 as being dependent upon a rejected base claim, but indicated that those claims would be allowable if rewritten in independent form including all of the limitations of their respective base claims and any intervening claims; and
6. Cited, but not specifically applied, several additional references.

No further comment regarding items 1-3 and 6 above is deemed to be required in these Remarks.

With respect to item 4, the rejection of Claims 1 and 2 under 35 USC 102(e) as being anticipated by the Nakano reference, Applicant by the foregoing Amendment has amended Claims 1 and 2 such that Claim 1 now contains the phraseology “driving means, having separate driving elements corresponding to the respective lenses of the lens assembly, for displacing the corresponding lenses independently of each other along the optical axis thereof in such a manner as to reduce a spherical aberration caused due to a thickness of the light transmitting layer and spherical aberrations which occur on optical surfaces of an optical system.” In addition, Applicant has amended Claim 2 for clarity and also so as to clarify the disposition of the optical axis relative to the recording medium (i.e., “a first lens as one of the plurality of lenses in the lens assembly, wherein the first lens has an optical axis disposed in a plane containing an axis line of the recording medium, said optical axis being parallel to said axis line.”) Applicant respectfully submits that as so amended, Claims 1 and 2 now are in condition for allowance.

More specifically, the Examiner has asserted that Claims 1 and 2 are anticipated by the Nakano reference. Applicant respectfully notes, however, that the Nakano reference is directed to driving one of two relay lenses by a driving means. The present invention, on the other hand is different. The present invention is distinct from the Nakano reference in that in the present invention the lenses in the lens assembly are driven separately.

Accordingly, it will be understood that the Nakano reference is directed to an optical pickup device having a relay optical system that is designed so that the necessary accuracy for the position adjustment of its components is reduced (see, Nakano at Column 2, lines 9-14). In this regard, Nakano discloses an optical pickup apparatus in which two lenses are disposed between a light source and an objective lens somewhat similarly to the present invention.

In the Nakano reference, however, with respect to the drive of the relay lenses it is disclosed only that the first relay lens is actuated (“actuating the first relay lens that is situated nearer to the semiconductor laser”, see Nakano at Column 8, lines 48-56), and that “the lens actuator may be designed so as to actuate the second relay lenses that are situated nearer to the optical heads, instead of actuating the first relay lens” (see Nakano at Column 9, lines 12-19). Accordingly, the Nakano reference fails to disclose all of the now claimed features of the present invention. In particular, the Nakano reference fails to disclose driving the respective lenses disposed between the light source and the objective lens separately by the driving elements corresponding to those respective lenses (see Fig. 1 of the present application).

Hence, in the present invention, unlike the Nakano reference, the moving distance of each lens in the lens assembly advantageously can be reduced since a plurality of lenses can be separately actuated independently of each other. Further, positioning accuracy can be enhanced over that possible in the Nakano device, and the time required for the positioning of the lenses also can be reduced in comparison with the Nakano device since the individual lenses can be driven separately yet simultaneously (see present specification at Page 6, lines 14-24).

Furthermore, with particular reference to Claim 2, it is to be noted that the relationship between the axis line of the recording medium and the optical axis of the first lens is not the same in the Nakano reference as it is in the invention of present Claim 2 (see Fig. 6 of the Nakano reference)

Accordingly, Applicant respectfully submits that as hereinabove amended Claims 1 and 2 of this application now clearly are not disclosed by the Nakano reference and are patentable over that reference. A decision withdrawing the currently outstanding anticipation rejection in view of the foregoing Amendment and Remarks in response to this communication therefore is respectfully requested in response to this communication.

With respect to items 5 and 6 above, it is noted that the Examiner has already indicated that the subject matter of Claims 3-5 is allowable. Applicant respectfully submits that since the foregoing Amendment places Claims 1 and 2 in condition for allowance the Examiner's suggestion of a need to rewrite Claims 3-5 in independent form has been rendered moot. A decision so holding and allowing Claims 3-5 in response to this communication therefore is respectfully requested in response to this communication.

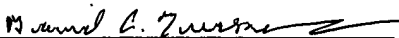
Finally, since Claims 6 and 7 are dependent upon claims that now are allowable for the reasons stated above, Applicant respectfully submits that those claims now are in condition for allowance as well. A decision so holding in response to this communication is respectfully requested.

In summary, in view of the foregoing Amendment and Remarks, Applicant respectfully submits that all of the claims present in this application upon the entry of the foregoing Amendment are in condition for allowance. Consequently, a decision so holding and allowing Claims 1-7 as hereinabove amended in response to this communication is respectfully requested.

Applicant also believes that additional fees beyond those submitted herewith are not required in connection with the consideration of this response to the currently outstanding Official Action. However, if for any reason a fee is required, a fee paid is inadequate or credit is owed for any excess fee paid, you are hereby authorized and requested to charge and/or credit Deposit Account No. 04-1105, as necessary, for the correct payment of all fees which may be due in connection with the filing and consideration of this communication.

Respectfully submitted,

Date: November 30, 2004

  
SIGNATURE OF PRACTITIONER

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